

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

97 JUN -6 PM 3:51

U.S. DISTRICT COURT  
N.D. OF ALABAMA

GLENN SUMMERFORD,

Petitioner,

vs

WARDEN RON HIGHTOWER, et al,

Respondent(s).

CIVIL ACTION NO. 95-B-0800-NE

ENTERED

JUN 06 1997

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and the objections of the petitioner and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed. The petitioner's motion to stay, so that he can attempt to get and submit a state rule 32 transcript, is due to be denied.<sup>1</sup> An appropriate order will be entered.

DONE, this 6th day of June, 1997.

Sharon Lovelace Blackburn  
SHARON LOVELACE BLACKBURN,  
UNITED STATES DISTRICT JUDGE

<sup>1</sup>Dismissal in this case is based upon abuse of the federal writ.